REMARKS/ARGUMENTS

Claims 1-14 and 16-20 are pending in this application. Claims 1-14 and 16-20 are rejected in the Office Action of September 20, 2007. Claim 15 has been previously cancelled.

Rejections under 35 U.S.C. § 102(b)

Claims 1-5 and 7-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,385,663 (hereinafter "Senator"). Senator generally describes a monitoring mechanism that obviates the need for specialized "piggy-back" drivers. *See generally* Senator 1:37-50. Senator achieves this through a hardware abstraction layer that it refers to as a "DDI/DDK interface." The DDI/DDK interface provides a connection between a kernel statistics module in the operating system and a device driver so that statistics such as a number of reads or writes can be monitored. *See id.* 4:10-30. It does not teach "calling generic routines" in response to a request for a feature, does not teach "identifying a peripheral device," and does not teach "executing a native driver." The focus of Senator is the novelty of the DDI/DDK interface, which is intended to be implemented in systems having typical device driver configurations (i.e. systems utilizing a device-dependent interface).

For at least the reasons mentioned above, applicants assert that independent claim 1 is allowable and that dependent claims 2-5 and 7-9 are allowable as depending from an allowable independent claim. Accordingly, applicants respectfully request that the rejections of claims 1-5 and 7-9 under 35 U.S.C. § 102(b) be withdrawn.

Rejections under 35 U.S.C. § 102(e)

Claims 14 and 16-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0138564 (hereinafter "Treptow"). Claim 14 contains the limitation "… to cause the native driver, installed on the mobile computer, to execute and control the peripheral device…." Page 10 of the present Office Action states that paragraph 5 of Treptow teaches these elements, but the description of paragraph 5 does not teach that the execution of the native driver is caused by the calling of a plurality of generic routines, as in claim 14. Additionally, the portion of Treptow cited by the Office Action appears in the background section of the reference and is not a part of the system disclosed, but rather serves as a contrast to the system disclosed, which is a "'driverless' print server system" that does not "require any printing device drivers to be loaded on the originating device." *See* Treptow, paragraph 8. The present Office Action cites the driverless system of Treptow as teaching an interface that calls routines that causes a native driver to execute (*see e.g.* citations to paragraph 69, 77, and 98), which is an improper rejection because the system being referenced is in fact driverless. The fact that device drivers are mentioned in the background section, unrelated to the system being cited, cannot properly be used to cure this deficiency in the cited portion of the reference.

For at least the reasons mentioned above, applicants assert that independent claim 14 is allowable and that dependent claims 16-20 are allowable as depending from an allowable independent claim. Accordingly, applicants respectfully request that the rejections of claims 14 and 16-20 under 35 U.S.C. § 102(b) be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Senator in view of U.S. Patent No. 5,379,431 (hereinafter "Lemon"). Applicants assert that claim 6 is allowable as depending from allowable claim 1, and accordingly, request that the rejection of claim 6 under 35 U.S.C. § 103(a) be withdrawn.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Senator in view of U.S. Patent No. 5,867,710 (hereinafter "Dorris"). Applicants assert that claim 10 is allowable as depending from allowable claim 1, and accordingly, request that the rejection of claim 10 under 35 U.S.C. § 103(a) be withdrawn.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Senator in view of Treptow. Applicants assert that claim 11 is allowable as depending from allowable claim 1, and accordingly, request that the rejection of claim 11 under 35 U.S.C. § 103(a) be withdrawn.

Claims 12 and 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Treptow in view of Lemon. Independent claim 12 contains the limitation "…using the instantiated object to cause a native driver of the requested peripheral device to execute . . . ." The Access Device Manager in Lemon does not cause a native driver to execute. Instead, it takes the place of a native driver.

Additionally, for the same reasons mentioned above, the Treptow reference teaches away from claim 14 as it specifically teaches a "driverless" system and the system of claim 14 clearly includes a driver. Therefore, applicants assert claim 12 is allowable, and claim 13 is allowable as depending from an allowable independent claim. Accordingly, applicants respectfully request the rejection of claims 12 and 13 under 35 U.S.C. § 103(a) be withdrawn.

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Request for Allowance

For all the above reasons, the applicants respectfully submit that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application.

The Office is authorized to charge any underpayment or credit any overpayment to Kenyon & Kenyon LLP's Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON LLP

Dated: <u>November 20, 2007</u>

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